

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY COMPANY as :
Administrator for RELIANCE INSURANCE :
COMPANY, :

Plaintiff, :

07 Civ. 6915 (DLC)

-v- :

ORDER

DORMITORY AUTHORITY - STATE OF NEW YORK, :
TDX CONSTRUCTION CORP. and KOHN PEDERSEN :
FOX ASSOCIATES, P.C., :
Defendants. :

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DORMITORY AUTHORITY OF THE STATE OF NEW :
YORK and TDX CONSTRUCTION CORP., :
Third-Party Plaintiffs, :

-v- :

TRATAROS CONSTRUCTION, INC., :
Third-Party Defendant. :

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TRATAROS CONSTRUCTION, INC. and TRAVELERS :
CASUALTY AND SURETY COMPANY, :
Fourth-Party Plaintiffs, :

-v- :

CAROLINA CASUALTY INSURANCE COMPANY; :
BARTEC INDUSTRIES, INC.; DAYTON SUPERIOR :
SPECIALTY CHEMICAL CORP. a/k/a DAYTON :
SUPERIOR CORPORATION; SPECIALTY :
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER :
CASUALTY INSURANCE COMPANY d/b/a KEMPER :
INSURANCE COMPANY; GREAT AMERICAN :
INSURANCE COMPANY; NATIONAL UNION FIRE :
INSURANCE COMPANY OF PITTSBURGH, PA.; :
UNITED STATES FIRE INSURANCE COMPANY; :
ALLIED WORLD ASSURANCE COMPANY (U.S.) INC. :
f/k/a COMMERCIAL UNDERWRITERS INSURANCE :
COMPANY; ZURICH AMERICAN INSURANCE COMPANY :
d/b/a ZURICH INSURANCE COMPANY; OHIO :
CASUALTY INSURANCE COMPANY d/b/a OHIO :
CASUALTY GROUP; HARLEYSVILLE MUTUAL :
INSURANCE COMPANY (a/k/a HARLEYSVILLE :
INSURANCE COMPANY); JOHN DOES 1-20 and XYZ :
CORPS. 1-20, :

Fourth-Party Defendants. :

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>8/3/09</u></p>
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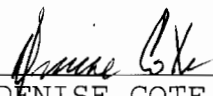
DENISE COTE, District Judge:

In an Order dated May 22, 2009, the Court ordered expert discovery on the terrazzo flooring extended for a period of 28 days following any decision by the Delaware Bankruptcy Court to lift the stay in the Dayton bankruptcy proceeding, measured from the date the stay is lifted or, if the 10 day appeal period is not waived, from the expiration of the 10 day appeal period, whichever is later, and further ordered that any summary judgment motions shall be filed two weeks from the close of expert discovery on the terrazzo flooring. At a telephone conference held with the parties on May 22, 2009, the parties approximated that expert discovery on the terrazzo flooring would be completed by July 16, and that summary judgment motions would be filed by July 31, with opposition due August 21 and replies due September 11. No summary judgment motions having been filed on July 31, 2009, it is hereby

ORDERED that counsel for Travelers Casualty and Surety Company and Trataros Construction, Inc. shall submit a status letter to the Court by August 7, 2009.

SO ORDERED:

Dated: New York, New York
August 3, 2009



DENISE COTE
United States District Judge